REMARKS/ARGUMENTS

In response to the Examiner's Office Action of January 31, 2008 issued in relation to the present Patent Application, the Applicants submit Amendments to the specification and claims, as well as the below Remarks.

Claims 1 and 3 to 43 are presented for examination. Claims 1 and 24 are independent claims.

Regarding Amendments

The specification has been amended and updated to correct typographical errors and now know US application numbers. The Amendments do not add any new matter to the present application.

Claims 1, 10, 23, 24, 33 and 43 have been amended to more clearly define the invention. Claim 2 has been cancelled from the application.

More particularly, claim 1 has been amended to incorporate therein the features from former claim 2. The sensing step has also been amended to clarify that the product item is positioned in the scanning beam, which is emitted across the receptacle opening.

Claim 10 has also been amended to clarify that the identity card is positioned in the scanning beam, which is emitted across the receptacle opening.

Claim 23 has been amended to correct a typographical error.

Claim 24 has been amended to add the step of "*emitting at least one scanning beam across the opening of the receptacle body, the at least one scanning beam directed in first and second orthogonal directions to thereby generate a raster scan pattern*". This feature is from former claim 2. The amendment also clarifies that the product item is positioned in the scanning beam, which is emitted across the receptacle opening.

Claims 33 and 43 have been amended to correct a typographical error.

It is respectfully submitted that the Amendments do not add any new matter to the present application.

Regarding 35 USC 102 Rejections

Claims 1-5, 12-14, 16, 21, 22, 24, 25, 32-34, 36 and 41-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Fiordelisi (US 6,435, 407).

Independent claims 1 and 24 have been amended to incorporate the feature that the at least one scanning beam is directed in first and second orthogonal directions to thereby generate a raster scan pattern (from former claim 2).

With regards to former claim 2 the Examiner on Page 3 of the Office Action remarks that the laser of Fiordelisi emits in 360 degrees, and thus some scan lines would be normal to others. However, independent claims 1 and 24 also define that the scanning beam generates a raster pattern when directed in first and second orthogonal directions.

Fiordelisi discloses that the optical scanning device has omnidirectional reading characteristics in that it scans 360 degrees with respect to the desired label position and distance. This is to allow for the positioning, and in particular rotational positioning, of the label to be scanned. The disclosed scanning device is of the UPC/EAN laser type, which scans barcodes (a one-dimensional code). Scanning the full 360 degrees assures that the one-dimensional code is successfully scanned during at least one of the respective orientations.

In contrast thereto, the scanning beam defined in independent claims 1 and 24 generates a raster pattern when directed in first and second orthogonal directions. This

feature is not taught or suggested by Fiordelisi. In fact, because the scanning device disclosed in Fiordelisi is of the UPC/EAN laser type, there is no motivation to scan in more than one direction during a single sensing cycle. Each emitted beam scan is sensed in isolation from subsequent beams in any other direction.

With regards to claim 16, that claim defines that the coded data distinguishes the product item from every other product item. UPC only distinguishes different products from each other. Individual product items, for example of the same product type, are not distinguished.

Since all the features of independent claims 1 and 24, as amended, are not disclosed by the prior art of record, it is respectfully submitted that those claims are allowable.

Regarding 35 USC 103(a) Rejections

Claims 6-9, and 26-29 are rejected as being unpatentable over Fiordelisi in view of Blauer (US 6,484,939). Claims 15 and 35 are rejected as being unpatentable over Fiordelisi in view of Loof (US 6,507,279). Claims 17-18, 23, 37-38 and 43 are rejected as being unpatentable over Fiordelisi. Claims 19-20, 39 and 40 are rejected as being unpatentable over Fiordelisi in view of Albert et al. (US 4,436,991).

The rejected claims are being directly or indirectly dependent upon one of the amended independent claims. As the independent claims are believed to be allowable, it is submitted that all the claims are allowable.

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant/s:

Kia Silverbrook

Paul Lapstun

C/o: Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email: kia.silverbrook@silverbrookresearch.com
Telephone: +612 9818 6633
Facsimile: +61 2 9555 7762